

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BOSE CORPORATION,

Plaintiff,

Civil Action No.:

v.

GN NETCOM, INC. and
PHITEK SYSTEMS LIMITED

Defendants

COMPLAINT AND DEMAND FOR JURY TRIAL

For its Complaint, Plaintiff alleges as follows:

1. Plaintiff Bose Corporation (“Bose”) is a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at The Mountain, Framingham, Massachusetts, within this judicial district.
2. Defendant GN Netcom, Inc. (“Jabra”) is, upon information and belief, a corporation organized and existing under the laws of Delaware having a place of business at 77 Northeastern Boulevard, Nashua, New Hampshire and does business in Massachusetts.
3. Defendant Phitek Systems Limited is, upon information and belief, a corporation organized and existing under the laws of New Zealand, having a place of business at 3049 Summerhill Court, San Jose, California, and does business in Massachusetts.

4. This is an action for patent infringement, arising under the patent laws of the United States, Title 35 of the United States Code.
5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
6. Venue is proper in this court under 28 U.S.C. §§ 1391 (b), (c) and 1400(b).
7. On May 1, 1990, United States Letters Patent No. 4,922,542, were duly and legally issued to Bose for an invention in headphones; and since that date Bose has been and still is the owner of those Letters Patent.
8. Defendants Jabra and Phitek have for a long time past been and still are infringing those Letters Patent by making, offering to sell, selling or using headphones embodying the patented invention, and will continue to do so unless enjoined by this court.
9. On January 19, 1993, United States Letters Patent No. 5,181,252 were duly and legally issued to Bose for an invention in headphones; and since that date Bose has been and still is the owner of those Letters Patent.
10. Defendants Jabra and Phitek have for a long time past been and still are infringing those Letters Patent by making, offering to sell, selling or using headphones embodying the patented invention, and will continue to do so unless enjoined by this court.
11. On July 22, 2003, United States Letters Patent No. 6,597,792 were duly and legally issued to Bose for an invention in headphones; and since that date Bose has been and still is the owner of those Letters Patent.

12. Defendants Jabra and Phitek have for a long time past been and still are infringing those Letters Patent by making, offering to sell, selling or using headphones embodying the patented invention, and will continue to do so unless enjoined by this court.

13. Bose has given notice to defendants Jabra and Phitek of their said infringements.

WHEREFORE, Bose demands a preliminary and final injunction against continued infringement, an accounting for damages, and an assessment of interest and costs against defendants.

JURY TRIAL DEMAND

Plaintiff Bose demands a trial by jury on all issues triable by right of jury.

Respectfully submitted,

Dated: 21 March 2007

/charles hieken/
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